

HALL COUNTY BOARD OF SUPERVISORS MEETING NOVEMBER 1, 2005

The Hall County Board of Supervisors met November 1, 2005, by published call in the county board meeting room, 121 South Pine, Grand Island.

CALL TO ORDER - The meeting was called to order by Chairman Pamela Lancaster.

INVOCATION - Invocation was given by Chairman Lancaster.

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was given in unison.

ROLL CALL - Present on roll call were Scott Arnold, Jim Eriksen, Richard Hartman, Bob Humiston, Bud Jeffries, Pamela Lancaster and Robert Rye. Also present was a representative from the *Grand Island Independent* and Deputy County Attorney Michelle Oldham.

CONSENT AGENDA – Eriksen made a motion and Jeffries seconded to approve the following by consent agenda:

1. 5a Accept and place on file the public works quarterly report
2. 5d Set the bid opening for bridge material for Project C40(334) for November 29, 2005 at 10:00 a.m.
3. 5e authorize the chair to sign the quit claim deed to the city for land on former Blaine Street right-of-way
4. 6 Authorize the chair to sign the certification of cost allocation plan for direct and indirect cost for child support enforcement
5. 10 Approve Resolution #05-00???? For the sale of surplus property
6. 24 Accept and place on file the Hall County Treasurer's Miscellaneous Receipts
7. 25 Accept and place on file communications as received

Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

PUBLIC PARTICIPATOIN – Chairman Lancaster called for public participation and Charles Kaufman 904 West Division requested to speak to the board. He stated hat he had concerns on an article in the newspaper regarding the fact that the trees at the Hall County Park were not trimmed and scratched the top of the campers. He stated that he takes exception to that because in the 25 years that he was at the park the trees have always been trimmed and that was not the case. They still to continue to trim the trees so they do not scratch the campers. Arnold stated that he parents stayed at the Hall county Park and it is one of the nicest parks that they have ever stayed in. Hartman also stated that his relatives from Oregon stated how nice the park was.

Chairman Lancaster called for public participation and no one else responded.

5b DISCUSSION AND POSSIBLE ACTION TO CHANGE SPEED LIMIT ON A PORTION OF HUSKER HIGHWAY BETWEEN NORTH ROAD AND US HIGHWAY 281 – Public Works Director Casey Sherlock was present. He stated that the County received a letter from the City of Grand Island requesting that the county consider changing the speed limit on Husker Highway. Part of this road is in the City limits and they are lowering the speed limit from 50 to 40 miles an hour and they are

recommending that the county lower ½ mile section of Husker Highway from 50 miles an hour to 40 miles an hour.

Jeffries made a motion and Arnold seconded to approve Resolution #05-0056 A RESOLUTION SETTING A MAXIMUM SPEED OF 40 MILES PER HOUR ON A PORTION OF HUSKER HIGHWAY BETWEEN HIGHWAY 281 AND NORTH ROAD. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Eriksen questioned if the 40 mile an hour speed limit should be extended to Highway 30. Discussion was held and it was agreed that that section is basically rural so it would not be necessary to change.

Arnold stated that it needs to be a reasonable speed limit that people will drive and if the area is in the city limits it needs to be the same.

5c DISCUSSION AND POSSIBLE ACTION ON REPAIR OR REPLACEMENT OF A BRIDGE LOCATED ON WOOD RIVER ROAD AND HIGHWAY 11 – Public Works Director Casey Sherlock was present and stated that there are concerns on a concrete bridge located on Highway #11. It is a 30 year old bridge and the deck is breaking apart. He contracted a structural engineer to do an inspection and the condition is satisfactory and the foundation is stable for now, but it will need to be repaired in the future. Because of the location it will cause problems with traffic flow if it has to be closed.

Jeffries stated that this is located on the other side from Wood River High School. The bridges are inspected every other year and it was ok on the last inspection. The location of the bridge makes it more critical because of the high use and the high truck traffic.

8 DISCUSS AND TAKE ACTION ON PROCESS TO RECEIVE COUNTY BOARD CORRESPONDENCE – Lancaster stated that because Hall County has a board assistant she wants to have the board correspondence forwarded to her. County Clerk Marla Conley stated that she already forwards correspondence to the board assistant.

Eriksen made a motion and Arnold seconded to forward all board correspondence to the board assistant. Arnold, Eriksen, Humiston, Jeffries, Lancaster and Rye all voted yes and Hartman voted no. Motion carried.

7 DISCUSS AND TAKE ACTION ON ADMINISTRATION BUILDING SECURITY SYSTEM – Doug Drudik and Safety Director Robyn Hassel were present. Mr. Drudik stated that that County Treasurer Doris Maxon, Assessor Jan Pelland, and Clerk Marla Conley met regarding the camera security system for the Administration Building. The building had an old system that is no longer functioning. The committee met and reviewed the needs then met with all of the vendors and reviewed their proposals. They are recommending using the proposal from Platte Valley Communications. This is a digital system and will provide clear reproductions if needed. It will cover the assessor, treasurer, clerk and motor vehicle departments and there will be one camera placed at the lower level entry/exit doorway. The system will be able to have more cameras in the future. Discussion was held and the board questioned if all of the hallways were covered and Lancaster expressed concerns that the board room and the board assistant's office was not covered. Mr. Drudik stated that the cost for each camera is \$2,000.00 and he would like to see additional cameras in the building but the funds were

limited. His recommendation will not change and if the board wants additional cameras they can be added.

Hartman questioned why he did not use the lowest bid and if it was going to be used to monitor employees. Mr. Drudik stated that they did a walk through with each vendor and compared the equipment and the warranty and the proposal from Platte Valley Communications was the best proposal. This system is to monitor customer activity and to document incidents. It can be used for both security and if there is a complaint it can be reviewed. If it is necessary to use the video images for evidence you want to be able to identify the people.

Eriksen stated that the total bid was \$20,000.00 and there is \$24,000.00 budgeted. Lancaster stated that in the future the board room and the hallway should be addressed.

Arnold made a motion and Jeffries seconded to accept the proposal from Platte Valley communications for the security system in the Administration Building. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

9:45 A.M. PUBLIC HEARING CONDITIONAL USE PERMIT LYMAN RICHEY CORPORATION FOR SAND AND GRAVEL PUMPING OPERATION - Jeffries made a motion and Eriksen seconded to open the public hearing for the conditional use permit for Lyman Richey Corporation. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Chairman Lancaster called for public participation.

Mr. Carl Roberts, with Lyman Richey Corporation, 261 Shady Lake Road, Columbus was present. He stated that they have a purchase agreement for the purchase of a piece of land and one condition was to obtain a conditional use permit for the sand and gravel pumping operation. They have various locations across the state and have experience with these operations. They have not had any problems with any of their operations. He stated that he does not have a concern renewing the permits every 5 years. The one thing that he would like to request is the ability to operate a 24 hour operation in the event they would need to supply materials for a construction project. Some time they find it necessary to extend the hours and he would like that option with this permit. He stated that he realizes one of the problems is the noise from the back up alarms and stated that by placing the location of the stock piles in critical areas this helps to buffer the noise. They anticipate this to be a 25 year operation. They try to be a good neighbor and he stated that he will answer any questions.

Jeffries stated that he knows the company and it is one of the largest in the Midwest and they are very reliable. As far as the 24 hour operation he would like to see this addressed as it is needed instead of putting it in the conditional use permit, then the board could make a decision.

Arnold questioned if there were any residential areas close. It was noted that there is a former school house that is a home on the northeast corner, and to the west is a modular home and a house to the east.

Eriksen noted that the final elevation will be higher once they are done with the pumping and also noted that this is in a flood plain.

Chairman Lancaster called for public participation.

Don Miller, Wood River stated that he has property on the south and east of the proposed site and expressed concerns on the natural drainage. He also questioned how close they can pump to the property lines.

Regional Planning Director Chad Nabity stated that there is a 300 feet set back from the road and the City of Grand Island requires that there is a 100 foot set back from the property lines and this could be added to the permit.

Mr. Miller also expressed concern on the blowing and drifting sand and Mr. Roberts stated that it is controlled.

Chairman Lancaster called for public participation.

James Rennau, 10025 West Wood River Road, He noted that there is a pit that is being pumped to the north that could have residential potential in the future. He questioned if the permit could be shortened to 15 years. He also questioned if they could use the oil road. The board stated that conditional use permits are for 5 years and have to be renewed. They also stated that they will use the farm road to get in and out.

Arnold suggested that they could use Spur 40C. It is a state highway and the Nebraska Department of Roads would have to issue a permit and there would be controlled access. If they used the state spur there would be a stop sign. .

Lancaster stated that if a conditional use permit is issued and the company lives up to the conditions they should be entitled to the potential use of the property.

Jeffries stressed that the plan is for 25 years but the conditional use permits have to be renewed every 5 years.

Wayne Rennau 6300 South Alda Road, expressed concern that the gravel road is not in good condition and if it is used by trucks it will be gone. Mr. Roberts stated that they would maintain the road and have done so in the past. He also noted that they have drilled tests to determine the possible length of the pumping operation. He stated the sand will be piled on the back of the property.

Hartman asked Mr. Roberts if it would be a problem to make it a 15 year operation and Mr. Roberts stated that he has concern on that request.

Eriksen noted that they are proposing to use an existing road and it was suggested to use the oil spur so they would enter at 600 ft west instead of 1600 feet west. He asked if this could be done.

Mr. Carl Roberts stated that he does not have a problem with that suggestion but this is not the first permit that they have maintained the road condition. They furnish the materials to maintain the roads and work with the road departments to do that.

Jeffries noted that if the road was moved it would be closer to the house and if there was a parallel road this could cause dust problems. He suggested leaving it as is and they will maintain the road.

Arnold questioned the set back and it was verified that there is a 300 foot set back from the road and if the board wants the property line set back that could be added.

Discussion was held on the weed control and Mr. Roberts stated that they use alfalfa, spray for weeds and also mow, it is controlled.

Chairman Lancaster called for public participation and no one responded.

Jeffries made a motion and Arnold seconded to close the public hearing. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Discussion was held on the 24 hour pumping request and it was suggested to allow the conditional use committee the authority to make the approval for the temporary 24 hour pumping operation. This could be added to the conditional use permit.

Regional Planning Director Chad Nabity recommended that the company only be allowed to use the 24 hour pumping one or two times a year and limit it to 14 days in a calendar year.

Jeffries stated that he does not agree, the decision should be made by the board and the residents should be able to know if there is a change in the pumping operation. They should have the opportunity to come to the board to address it. The conditional use committee could contact the residents. Jeffries stated that he still wants to do it the same way it has always been done. There are board meetings every other Tuesday and there would be time to address it then.

Jeffries made a motion and Arnold seconded to approve the conditional use permit for Lyman Ritchie gravel pumping operation and authorize the chair to sign.

Nabity noted that concerns that were expressed on the setbacks from the adjacent property owners and suggested that the board add a 100 foot set back from the adjacent property owners and still include the 300 foot setback from road easements.

Jeffries amended his motion and Arnold seconded to add the 100 foot setback from adjacent property lines to the conditional use permit.

Hartman questioned if there was a problem with dust on the road or if there was a problem with the condition of the road would this be addressed. Discussion was held and they would come back to the board if these conditions became an issue.

The vote on the motion to approve the conditionals use permit was taken. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

15. REGIONAL PLANNING - DISCUSS AND APPROVE APPOINTMENT TO REGIONAL PLANNING COMMISSION – Chad Nabity stated that there is a vacancy on the regional

planning commission board and board had directed him to seek applications. He stated that he received three applications Thomas J. Drudik, 5181 South Engleman Road, Grand Island, Debra Reynolds, 17901 W Cedarview Road, Wood River, and Jake Ripp, 3038 N 150th Road, Cairo. He recommended that Deb Reynolds be appointed to the regional planning commission board.

Jeffries made a motion and Arnold seconded to appoint Deb Reynolds to the Regional Planning Commission Board. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

16. COMMENCE AUDIT OF BI WEEKLY PAY CLAIMS AND ACTION ON CLAIM
AUDIT – Jeffries made a motion and Rye seconded to approve the bi weekly pay claims. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

12 EXECUTIVE SESSION PERFORMANCE EVALUATION

13 EXECUTIVE SESSION MICHELLE OLDHAM DISCUSSION ON LITIAGATION – Jeffries made a motion and Eriksen seconded to go into executive session regarding personnel and litigation. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

10:50 a.m. executive session.

11:10 a.m. Jeffries made a motion and Arnold seconded to go out of executive session. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Jeffries made a motion to refer the personnel evaluation to the personnel committee to present to the employee. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Arnold made a motion and Eriksen seconded to hire outside counsel regarding the litigation regarding the open meeting law. Arnold, Eriksen, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Hartman abstained from the vote.

Chairman Lancaster will appoint a committee to work with the outside counsel regarding this issue.

Held a Board of Equalization meeting.

BOARD MEMBER REPORTS – Chairman Lancaster called for any board member or committee reports. Jeffries stated that the Corp of Engineers is nearing completion on the levy at the Hall County Park. Jeffries stated that it may be necessary to change come of the approaches and they may need to change some of the areas where the motor homes turn around because the radius may be too sharp. To do this there may be an addition \$4,000.00 needed for the work but the fees can be paid from the funds that the County received from the NRD. They are going to meet with NRD to discuss the slope of the approaches. They have asked Chuck Kaufman to also attend this meeting. Jeffries also noted that the building and grounds committee needs to meet after this mee ting.

Held the Board of Corrections meeting.

The meeting was recessed and will be adjourned after the jail tour. Hartman stated that he will not be attending the quarterly jail tour.

Marla J. Conley Hall County Clerk